



Goodwill

Ohio Valley Goodwill Industries
EMPLOYMENT AND TRAINING CENTER

December 9, 2004

Mr. G. John Heyer
President's Committee for Purchase from
People Who are Blind or Severely Disabled
1421 Jefferson Davis Highway
Jefferson Plaza 2, Suite 10800
Arlington, VA 22202-3259

Dear Mr. Heyer:

On behalf Ohio Valley Goodwill Industries Rehabilitation Center, Inc., we are writing to express our opposition to the proposed notice of rulemaking [Docket No. 2004-01-01] from the President's Committee for Purchase From People Who Are Blind or Severely Disabled. The proposed rulemaking on governance standards for central nonprofit agencies and nonprofit agencies participating in the Javits-Wagner-O'Day (JWOD) Program exceeds the scope of the Committee's authority and Congressional mandate.

Ohio Valley Goodwill Industries serves the Greater Cincinnati area including portions of Ohio, Kentucky and Indiana. Our organization has served men and women with disabilities since 1916. We currently serve over 2,500 people annually, place more than 600 into competitive employment, and employ 600 (75% of whom are severely disabled). Our employment and training programs include JWOD set-aside work employing 36 individuals. While this number is only a fraction of our total employment opportunities for severely disabled men and women these jobs represent high value jobs and are important in our total menu of employment opportunities. Therefore, the actions by the committee in proposing these rules are of great interest to us.

The authorizing statute for the JWOD program clearly delineates the powers and responsibilities of the Committee (41 CFR 51-2.2, 41 U.S.C. § 46). These powers and responsibilities do not extend to governance standards or executive compensation. Both Congress and the Internal Revenue Service (IRS) have jurisdiction over these areas. The Committee is mandated with determining which commodities and services should be on the Committee's procurement list and fair market prices, and informing federal agencies about the JWOD program.

As a participating JWOD agency, we would hope that the Committee would comply fully with the Congressional intent to provide employment and training opportunities for persons who are blind or have other severe disabilities and not delve into areas for which it lacks both the Congressional and statutory authority necessary to promulgate governance and other standards. The proposed rules will impact the entire community of participating nonprofit agencies, despite the Committee's own comment that the overwhelming majority of JWOD-affiliated central nonprofits agencies and nonprofit agencies operate in an ethical and accountable manner.

The statutory authority and regulations, as well as the legislative history, in addition to the applicable federal case law, do not support the Committee's actions. Furthermore, we have concerns understanding the rationale for the Committee to purport to assume regulatory authority over the governance standards for nonprofit, tax-exempt 501 (c) (3) organizations, because numerous federal entities exist to regulate these organizations.

We believe that the proposed rules do not advance the Congressional intent of the enacting JWOD legislation, and would, if adopted, diminish the program's ability to increase employment opportunities for the blind and disabled. We respectfully request that the Committee withdraw these rules.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph S. Byrum", with a long horizontal flourish extending to the right.

Joseph S. Byrum
President/CEO